App. F. IX—4

Previous Reference 1923-24 (May)

File No. 29-23

Serial Nos. 1-9

RD 29/May/23

Later References

THE MYSORE GOVERNMENT SECRETARIAT

Serial Nos

Part II for

SUBJECT

Lease of lands belonging to the Sri Ramakrishna Ashrama at Sarasvathipuram, Mangalore taluk

M. I. P. S.—SPE—T 08.100—1-5-61

Cl. 5

G. R. S. 38]

Previous references. (1023.24 / MW2)

File No. 89-12

Serial Nos.

Later references

27-25-21-5

Rev (30-32-142

168 - 34 - (1-12) Jany 47.

GENERAL AND REVENUE SECRETARIAT.

RD. 13. MAP. - 60

Serial Nos. 1-9

Part B for May 1924

SUBJECT

Lease of lands belonging to the Ymk Banavanka temple at Banakanda taluq taluk of Mr Somanachetty as trustee Dharmakarta of that temple

GON. 1022/mwr 29-23-5 of 26.1.24 Passing order re lease of lands of the temples. and GON 1327-8 / Mwr 29-23-7 of 26.3.2 Appt of Mr Somanachetty as trustee Dharmakarta of the temple &

1922.

MUZRAI SECRETARIAT

(Muz.)

NOTES

File No.

FILE HEADING

Lease of Some Sircar Lands endowed by Sri Somanna Setti, for the benefit of Banacankari temple at Sarbandepalya, Bangalore Taluk.

From

Somanna Setti, Dharmakarta of the temple.

No Petition Dated 20-7-1923 Received 23-7-1923

Diary No.	Enclos 1	Spare Copies.	Serial No 1
117			

BRIEF ABSTRACT OF LETTER

Appeals against order no. 1 Dy 12-7-1923 of the Muz. Comr directing that the appellant should either have to file a civil Suit against the tenants of the lands or should apply to the Dy. Comr for relief as a superior holder etc.

NOTES AND ORDERS

A | 1 The petition is duly stamped.
An authenticated copy of the Muzrai Comrs. order appealed against has been produced. The Muz. Comrs. order is dated 12th July 1923, while

NOTES—First Sheet

WD 0560—GPB—500—9 5 22

G. R. S. III 2]

Muzrai Secretariat | Muz. File No. 29 of 1923.

Serial No

The appeal petition was received on 23-7-1923. It is in time. A ofr. calling for report with records, is submitted for appl. The case will be fully noted upon on receipt of the records from the Dy. Commr. Trichinopoly.

761. 31.7.23

(2nd Member) 31/7/23

1. Issue 3/8/1923

4/8/23

2 No. 187 of 8/8/23 to the Dist. Collr. Trichinopoly. Requests to submit a report.

3 From the Mur Commr. No. C.162 of 23-24 dt 1-9-23 Submits the record Comd. with the case.

5. G.O No. 25 90-93/Mur 419-18-2 dt 24-2-19 finds in paragraph a brief history of the

Sarkig
Please put up
Mur: 419-18 Soon
Rdy 6/9/23
File put up
B

NOTE—Contn. sheet

WD 0561—GPB—3750—1 8 22

G. R. S. III 2]

Muzrai Secretariat | Muz File No. of 192 .

Serial No.

(built by Sowcar B. Basappa Setty)
which is a Jewish institution, in lieu
of which a contribution of Rs 8 per
month was sanctd from the funds
of the Sorai Street Swara temple for
a period of 10 years. Subsequently
Sanamma Setty son of Basappa Setty
offered to endow 5000 Rs to the temple
and requested that interest at 6%
might be allowed, the same being
req^d to be utilised for car festival
expense. And that an add^l grant
of Rs 26 per month might be sanctd
from Govt for rendering the services
in the institution. As Sonamma
Setty having in due course signi-
fied his consent to accept any
interest that Govt might be
pleased to allow, the endt of
Rs 5000 was accepted under the
Charitable Endowment Rules
at 3% interest, and he was
also informed that no add^l
grant would be sanctd for such
services.

6 At the request of Sanamma
Setty, Govt also accepted the
endowment of certain lands
in Kasibande, Sarakki
Jaragamahally, all

Vide Sl.
Vol 602-603
Mun 57-19-2.
19.8.19.
DC

NOTE—Contn. sheet

WO 0561—GPB—3750—18 22

G. R. S. III 2]

Muzrai Secretariat | Muz. File No. 71 of 192 .

Serial No.

D

Bangalore Taluk valued in the
at Rs 20,000 and assessed
Rs 918.1.0 in their order
No. 6514-b/Muz. 662.21.4
dt. 19.5.22, and directed
therein that these lands shd
be leased out in consultation
with the Sowcar Setty for 5 years
to the best advantage of the
temple, the institution being
continued under the management
of the donor or his dharma-
dari during his life time
rascals yrs pms drawn up
in consultation with the Mun Supdt

7 Nos these lands which
form the subject of the present
appeal. While giving effect to the order
above, the holders of these lands
have set up a claim of Khadim
tenancy and the matter was
wrongly referred to the
Muz: Commr for enquiry and
report, the confirmation of the
sale thereof, being ordered to be
deferred pending the enquiry

Muz files
662-21.
Collections
Rs to be credited

NOTE—Comm. sheet

WD 0561—GPB—3750—1 8 22

G. R. S. III-2.

General and Revenue Secretariat.

File No. of 19

Serial No.

The Mun: Comr heard the Case on 3rd July 1923 as well as the arguments addressed by the Lawyers Messrs C. Nagappa and D. Appu Rau. and decided that "there is no provision either in "the New Code or Municipal Act "to authorise Govt to oust the "tenants. The respondent (Mr Soosai "Letty) should either have to file "a Civil Suit against the appellant "or shd apply to the Dy Comr for "relief as a superior holder. The "enquiry held by the Tahsildar "is not sufficient for taking action "under the New Code".

Against this order Mr Soosai Letty has appealed to Govt. ~~and~~ The reasons adduced by him for considering the Mun Comrs order ~~wrong~~ which views are detailed in para 8 of his appeal petn.

10 The Mun Comrs order is contrary to the instructions issued in G.O. No. 1514-16/Mun: 662-21 dated the 19th May 1922, wherein the question of Eviction of the present occupants

D

NOTE—Contn. sheet.

G. R. S. III-2,

General and Revenue Secretariat. | File No. of 19 .

Serial No

to have been properly enquired into.

The foll? points arise in this Case? :-

1) Is the institution to be considered as a Murrai Inst? & simply because a small contribution has been receiv? from a few of late from a few of the adherents Murrai temple?

2) Do the alienation rules of 1877 apply to these lands, seeing that they are lands endowed by a private party to the temple?

3) How long have the present holders been in possession of the lands?

4) If the parties should be ref? to the civil Courts for adjudication of their rights. Who is the party to go— Is it Samanna, the superior holder? or the parties who are the holders of the lands for several decades past?

12 Order solicited

BG
6/9/23

NOTE—Contn. sheet.

G. R. S III-2,

General and Revenue Secretariat | File No. | of 19

Serial No

A muzrai institution as defined in the Muzrai Regulation includes every temple .... which is now actually in the sole charge of Govt or for the support of which any annual grant in perpetuity is made from the public revenues or an inam has been granted. The temple in question is neither in the sole charge of Govt, nor is it in receipt of a grant in perpetuity or an inam. It cannot therefore be considered as a Muzrai Institution.

Similarly the alienation rules of 1877 cannot possibly apply to the lands in question and therefore Govt. cannot proceed to assume possession of the lands on behalf of the temple under Section 10 of the Muzrai Regulation.

The order passed by the Muzrai Commissioner appears therefore to be quite correct and no interference with the same appears called for. As directed by him, it is the appellant before Govt. that should move in the matter.

Rev. Secy) Secy 10/9/23

To Memo/ The institution is not a Muzrai institution, for

Note—Contn. sheet

Write to Mr the Rev Secy As directed

11.9.23

G R. S. III-2,

General and Revenue Secretariat. | File No. 21 of 19

Serial No.

accepted the endowment of lands mentioned in order to help the Philanthropic donor in conducting the management of the temple which has however not been taken up by Govt. The lands not being inam, the Govt. for the Govt to sanction the [illegible] Samasya Sthi in the [illegible] The parties may be left to settle the matter in Court of competent jurisdiction, & so no interference with the orders of the Mad Govt seems called for.

8G 11.9.23 Rev. Secy.

11/9/23

Secretary

12.9.23. 307.

17. I am agreed that in connection with accepting the Endowment of the lands & the G.O. of 1915722 A dated [illegible] the sale of the lands [illegible]. action taking on the additional words for management of [illegible] question. If all parties may be informed the case posted for hearing.

18/9

18. Case called.

Appellant and Ramaswami Ayyar for appt & Mr [illegible] for respt

Order reserved.

3/11

Notices to the Govt (in which chinnatambi case posted) Sehnb

20.9.23 8G 24/9/23

Note—Contn. sheet. 97. 5/11/23.

Sl 4. Petition of 5-11-23 from the able praying that [illegible] may be finally taken up

G. R. S. III 2]

Muzrai Secretariat | Muz. File No. 29 of 192

Serial No

19. The temple of Sri Banashankari was a private temple built by the appellant family. At the request of the petitioner a monthly grant of Rs 8/- was sanctioned for the temple by Govt for a period of 10 years w.e.f. 1st Oct 24th Feb 19. Subsequently the appellant family made an Endowment of Rs 5000 for the benefit of the temple. This was accepted by Govt in their order of 19th Sept 1915 after the petitioner had conveyed & Govt endowed the temple with Some lands in the villages of Jayanahalli, Kamsandra, Sankenahalli & Kyarakanahalli & placed the temple with its Endowments under the Mysore Hindu Religious Endowments Board for its better and efficient management. Govt in their order of 19-5-22 sanctioned the appellant's proposal to transfer the lands & the temple to the Commissioner with the consultation with the appellant for a period of 5 years. They further ordered that the temple rights continue & remain under the management of the appellant family as Sole Trustee. After the expiration of the period of 5 years, the question of taking over the management has to be referred to Govt for orders.

20. In accordance with the above order of Govt, the Commissioner took over the lands and properties of the temple & entered into possession of the same. The respondents' claims to the Endowments consist of some private lands & the rights of the appellant family as Trustee of the temple & other rights as mentioned in the plaint. The appellant's case however, was that the temple was endowed by the appellant family & the lands & the rights of the temple provided the appellant was prepared to undertake the services & charges & any other rights arising out of the endowment. The appellant family has the hereditary rights as Trustee of the temple, the rights appertaining to the temple for the conservation of the property & proper management

NOTE—Contn. sheet

WD 0561—GPB—3750—1 8 22

J. R. S. 11

Muz. File No. [illegible] of 192

Serial No.

[illegible] lands. The Rent Court [illegible] applic heard [illegible] passed order [illegible] appellant has [illegible] premises [illegible] Rent Act [illegible] Court [illegible] appellant [illegible] ~~Court~~ from a case stated [illegible] appellant [illegible] appeal [illegible] Dist Judge [illegible] a Judgment [illegible] 21. The present appeal [illegible] last [illegible].

22. From the facts [illegible] as [illegible] ~~was~~ [illegible] [illegible] an example [illegible] any permanent [illegible] [illegible] - Each [illegible] [illegible] land - [illegible] a Tenant [illegible] [illegible] & [illegible] [illegible] [illegible]

Muzrai Secretariat | Muz. File No. | of 192

Serial No.

26. A Off. order dismissing the appeal, is submitted as desired.

27. The temple in question was recently constructed by one Sowcar Basappa chetty of Bangalore at a cost of about 10 to 12 thousand Rupees. It is sufficiently endowed with lands, and does not seem that the burden of maintenance will fall upon Govt.

Under Sec. 3 of the Muz. Regn., as prayed for by the creator of the Trust, a Notn. under according formal approval to the assumption of the management of the inam, is submitted for appl. or ~~under~~

WS 0881 – (1) 15-2756-1-3-22-

NOTE—Contn. sheet

AV 22.1.24

Please draft an endt. to the appellant.
SD 23/1/24

Pl[ease] put up in (P[ro] Muz. Reg[n].)

S. III-2]

Muzrai Secretariat | Muz. File No. 29 of 1923.

Serial No.

H D.

in accordance with rule.

2. The appellant is in possession and management of the institution, and so the taking over of management pending is permissible under Sec 36 (3) of the Madras Regn. He has made a Bank Endowment of Rs 5000 and has Endowed extensive lands also to the temple (Vide list attached to the order of 19.5.22), and the institution can afford to be self contained.

3) But the respondents have set up a claim in the lands. They claim to be Kadim tenants, and refuse to give up the lands. The point has been inquired investigated & result arrived at that they have no permanent interest in the land. The lands under question being unalienated lands standing in the Khata of the appellant, there can be no question of kadim tenancies under Sec 84 LR Code. The respondents may at best be permanent lessees. Whatever the nature of their possession they have refused to quit the land

NOTE—Contn. sheet

WD 0561-GPB-3750-1 8 22

uzrai
ɔretariat

Muz File No. 29 of 192 .

Serial No

and the appellant has been directed to go to the Civil Court to enforce the respondents If at this stage, Govt take the institution under management, they will have to take up the litigation to oust the respondents from the land. The question may then be deferred till the appellant establishes his ~~Exclusion~~ right in the Civil Court to oust the respondents. Then only will Govt be in a position to use the land to the best advantage of the institution

Rev. Secy) The question of taking the temple under Govt management may be deferred until the result of the Civil litigation is known

1st 2/24

270
9.2.24.

Member

I do not suppose any of the lands endowed for the upkeep of the temple have depreciated appreciably since the beginning of the century and the question of their restoration to private ownership is a matter for Government to decide when and if the

NOTE—Contn sheet

General and Revenue Secretariat.

File No. / of 19

Serial No

Note—Contn. sheet

A.V 11/2

General and Revenue Secretariat.

File No. 27 of 19 23

Serial No 1

Dr notice submitted

AG 12/12/24 Done 12.12.24

89 - 12/12

From, Mr B Samara chetty,

Application dt 1.3.1924

States that he reserves no interest of a residuary or beneficial nature for either himself or his family members in the endowment of land or cash deposit made for the up-keep of Sri Banasankari temple.

The application was presented to the members of Council. Members order:- "Mr. Br. will please submit with refs etc."

The references on the subject are submitted.

With regard to the land under dispute. The petn states in paras 2 and 3 that from the recitals of the regd. Sale deeds of 1878 and 1880

NOTE—Contn sheet

Clerical and Revenue Secretariat.

File No. 29 of 1923

Serial No.

A off 50 is submitted.

AG 18/3/24 RG 19.3.24

In appl

22.3.24

S173
22.3.24.

2nd member)
Rd.

Please see correction made in para 2 of the resn. A fair copy of draft as revised may please be put up for orders

22/3

Done, putting a fair copy in the file

22.3.

7 To the Mauzuar Commr & Comptroller. No. 1327-28 d. 26.3.24. Records sanctions, under Section 3 of the Mauzuai Regn, to the assumption of the management of the above temple by Govt, states that the management of the temple with its endowments will be vested on behalf of Govt in the Hon. Commr Hindu Dharmadaya of the temple during the life

NOTE—Contn. sheet.

. R. S. III·2]

Muziai Secretariat | Muz. File No. 29 of 1923

Serial No.

8. From, the Muzrai Comr
Letter no. C.162 Dt 26.4.1;
forwards an application
from Mr. B. Somanna chetty
requesting that his appoint-
ment as Dharmadarsi be
notified in the Mysore Gazette
and recommends that the
appointment may kindly be
caused to be notified.

A From, the D.C's letter no.
H.C. 688 Dt 11.4.1922, it will
be seen that the income of
the temple from all sources
is Rs 796/- Mr. Somanna
chetty is contending that the
Smiles of Some kandayam
lands endowed to the im-
mense be disposed of by future
auction, and the matter

NOTE—Contn. sheet

WD 0561–GPB–3750–1 8 22

S. III 2]

Muzrai Secretariat | Muz File No. 29 of 1923

Serial No

has not been finally disposed of. The definite information is received about the temple income, it is not possible to say who will have to notify the appointment.

Sd/- [illegible]. No the institution has been ordered to be taken under Govt. management with Mr Somanna Chetty as Sole Dharmadarsi on behalf of Govt. Yet it cannot be considered as a Muz Institn. also until the income from all sources can be definitely ascertained which will be the case after all the lands are handed over to Govt free of encumbrances, it cannot be said to be a Muzrai Institn. of which the office of Dharmadarsi is notified by Govt. There does not therefore seem to be any necessity for Govt to notify him as Sole Dharmadarsi.

Sd/- 30/4/24

Here is given the necessary notification of the name of the Dharmadarsi

WDR—PR—7-8—1922

Secy. Govt. Muzrai Dept. (Sd.) [illegible]

NOTE—Contn. sheet

S. 1113

Muzrai Secretariat | Muz. File No. 27 of 192 3.

Serial No.

[illegible]

119
6.5.24

[illegible]

[illegible]

[illegible]

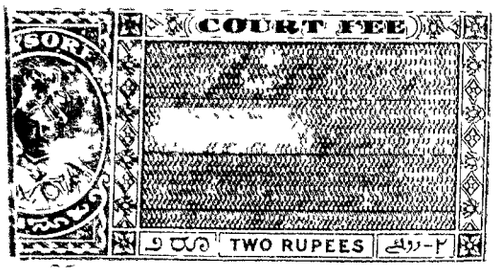
[G. R. S. 101 2]

Muzrai Secretariat | Muz. File No. 29 of 1928.

Serial No.	
9	To the Muzrai Commr. No. 1892-d 1.5.24. States that as the appt. has already been sanctioned by Govt, there is no necessity to notify it in the gazette.

NOTE—Contn. sheet

WD 0561 -GPB--3750—1 8 22



Before The Government of His Highness The Maharaja of Mysore, Bangalore.

Muzrai Appeal No. of 23-24.

Somanna Setti, Dharmadarsi of Sree Bana Sankari Temple, Sarbandepalya. — Applicant.

-vs-

1. Nanjundappa.
2. Khasim.
3. Poojari Pillaga
4. Hanumanthappa.
5. Muniga.
6. Gurumurthappa.
7. Ramappa.
8. Subba Saby.
9. Thimmiah.

— Opponents.

Under 22 of Regulation VI of 1913, the applicant respectfully begs that the records in Appeal No. 18 dated 13th April 1923 on the file of the Muzrai Commissioner, be called for and proceedings dated 12th July 1923 be revised for reasons submitted below, after a brief statement of facts of the case:-

1. Government in their order No.604 to 607/ M.F.57-19-2 dated 19th August 1919 accepted a deposit of Rs.5,000/- from the present applicant and in their subsequent order No.6514 to 16/M.F.662-21-4 dated 19th May 1922 accepted an endowment of Sircari lands in the holding of the applicant valued at Rs.20,000/-, and for the benefit of the Sri Banasankari Temple.

2. After accepting the said deposit and the endowment of Sircari lands from the applicant, Government in view of the petitions from some of the tenants, viz,

the present opponents and the applica
order No.4/M.F.668-21-8 dated 5th J
Deputy Commissioner, directed "that
case of lands with reference to which
tenancy has been set up action as al
the Government order of 19th May 192
and that the case of Khadim tenancy ma
gated and the matter submitted for ord

3. Conformably to the said ord
Officer of the District caused a protr
tailed enquiry to be held from 9th Augu
4th February 1923 and submitted a re po
vernment in 688 of 21-22.

4. That the Muzrai Commissione
passed order No.C.582 of 22-23 dated 2
1923 from which the liberty of quoting
is prayed for, as while putting the whole
nut shell they afford a sufficient answer
present contention of the opponents, bes
up the utter inequity of the late order.
now sought to be revised:-

5. As regards the claim of Khadim
a detailed enquiry was held by the Taluk Au
and both the petitioner and counter petitione
afforded opportunities to adduce evidence in
their contention. On a consideration of the
elicited during the enquiry the Local Officers
the Deputy Commissioner are of opinion that
tioners have failed to prove their allegation
Khadim Tenancy and that the counter petitioner
purchased the lands from the previous holder

full and undisputed right of ownership, the claim of the petitioners is unquestionable.

B. In the circumstances of the case and also of the fact that Khadim Tenancy is not recognised by Government as regards Government lands, and that all claims of other tenants are of a civil nature to be established in the Civil Courts, the Amildar should be instructed to sell the rights of tenancy of lands for five years to the best advantage of the temple, provided Mr. Somanna Setty agrees in writing to undertake the conduct and charges of any civil litigation that might become necessary on behalf of the temple as Khatedar."

c It is of course open to the Deputy Commissioner if he considers it proper in the best interests of the institution to continue the existing tenants as lessees provided they agree to pay the same rent as would be realised in open competition and otherwise conforming to the conditions governing the lease of lands belonging to the Muzrai Institutions. In this case proper leases will have to be executed by the lessees at their cost."

5. In pursuance of the above order right of tenancy of the disputed lands for five years was sold out at a public auction held on 20th March 1923 by the Amildar of Bangalore Taluk and the sale was duly confirmed by the Sub Divisional Officer after realising the full amount from the purchasers.

6 Before the auction purchasers could be put in possession of the said lands, the opponents filed a review petition through their Counsel, mainly contending that the opponents "were not given the necessary facilities

to obtain in time copies of the Taluk records evidencing their title to the lands and their statements as well as of their witnesses were not properly recorded" (Vide para 7 of the Appeal Memo) while the other grounds were short opposed to reason and fact alike.

7. The Muzrai Commissioner admitted the Review Application and after a brief hearing passed orders adverse to the interests of the temple, reducing the previous final order in No.C.582 of 22-23 dated 20/22nd February 1923 arrived at after such mature consideration, to a nullity (Copy of the latest order annexed hereto).

8. The applicant who strained his resources in endowing the temple and who feels humiliated by the said order referring him to a Civil Court against the recusant tenants, prays that the order of the Muzrai Commissioner may be revised on the following grounds:-

1. That the Muzrai Commissioner erred in law in holding that he had power to review his previous final orders and that there were legal and sufficient grounds therefor:

2. It is further respectfully submitted that it was not open to the Muzrai Commissioner to review his previous order, based as it was on a previous Government order, and that on grounds not contained in the Review Petition

3. While the object of the Government in its order No.4/M.F.668-21-8 dated 5th July 1922 in directing the investigations, was to drive the tenants to a Civil Court if they did not show at least a prima facie case in their favour, the learned Muzrai Commissioner erred in thinking that there was no provisions either in the Revenue Code or the Muzrai Regulations empowering the Government to oust such tenants when due steps had been taken by the Amildar in pursuance of the previous order, and after auction sale to prevent the opponents from entering on the lands:

.. The Muzrai Commissioner further erred in acting upon the affidavit presented by the Counsel for the Opponents at the close of his arguments without giving this applicant or the Government Officers affected thereby, a chance to challenge the correctness thereof or to answer the serious allegations contained therein:

5. That the Muzrai Commissioner ought to have given due weight to the principle of law duly laid down in 11 My.C.C.Report, Page 48, according to which tenancy in the case of such Government lands is against the tenure being permanent.

6. That wherefore it is respectfully prayed that the Original Government Order directing sale of five years' leases by public -

auction be given effect to at once in the interests of the Institution itself and the tenants be asked to establish their rights, if any in Courts of Law.

Bangalore.
20th July 1923.

Advocate for
Applicant.

GENERAL AND REVENUE SECRETARIAT.

Bangalore, Dated, ... *19*

Ag: 9-1-1952.

The Amildar,
Bangalore North *Taluk.*

Notices ~~in duplicate~~ to persons who are concerned in ~~Revenue~~ Case Regra.
No. 7/46-47 before Government are sent herewith. The ~~duplicates~~ same may be served on the marginally-noted persons and the originals with endorsements of service duly returned at least a week before the date of hearing.

1) Sri. A.S. Raja. MACHAIAH B.L., Advocate, Bangalore city

2) Sri. A. Viswanath Iyer, Advocate, Bangalore city

3). Sri. B.S. Shankaroppa Setty, Sole Dharmadarsi of Venkatashankari temple, Residing in the Gumme Masjid Road, Bangalore city

By Order,

For *Secretary to Government,*
~~*Revenue*~~ *Department.*

Pensions 1117 49-50 P 4113

Forwarded to the ...

for service & ret ...

P.S. 24/52.

WD 04914—GPB—2,000—18-3-49

Submitted after due

ನೋಟೀನ್

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಶ್ರೀಮದ್ ಮಹಾರಾಜರವರ ಗೌರ್ನಮೆಂಟ್, ಎನರಲ್ ಮತ್ತು ರೆವೆನ್ಯೂ ಸೆಕ್ರೆಟೇರಿಯಟ್ ಕಚೇರಿಯಿಂದ.

194 ½—194 ½ ನೇ ಇಸವಿಯ ರೆವೆನ್ಯೂ ಅಪೀಲು ನಂಬರು

ಅಪೀಲು ಪಾರ್ಟು ಅಪೀಲು ವ್ಯಾಜ್ಯಾಂಶ

ವಿಷಯ

ಮೇಲೆ ಕಂಡ ಅಪೀಲು

ಅಪೀಲು ವಾದಿ

ರೆವಿನ್ಯೂ ಕಮಿಷನರವರ ಹುಕುಮಿನ ಮೇಲ ವಾಖಲುಮಾಡಿ ಇರುವ

ಅಪೀಲು 194½ ನೇ ಇನವಿ ½ ನೇ ತಾರೀಖಿನ ದಿವಸ ಬೆಂಗಳೂರು ಮೊಕ್ಕಾಮಿನಲ್ಲಿ ವಿಚಾರಣೆ ಮಾಡಲ್ಪಡುವುದರಿಂದ, ಆ ದಿವಸ ಮಧ್ಯಾಹ್ನ ಗಂಟೆಗೆ ನೀವು ಅಥವಾ ನಿಮ್ಮ ಪರವಾಗಿ ಹಾಜರಾಗಬೇಕು.

22 ನೇ ತಾರೀಖು ಅ 194 ನೇ ಇಸವಿ

ಮೊಕ್ಕಾಂ ಬೆಂಗಳೂರು.

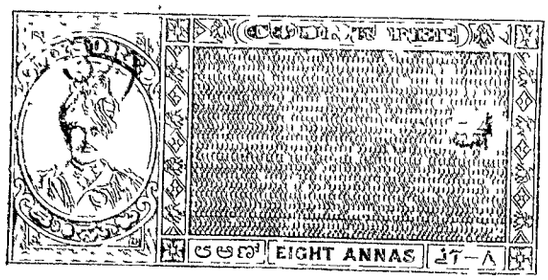
By Order.
For Secretary to Government
Revenue Dept

WD—04915—GPB—2,000—1-2-49

Recd duplicate
K. Vasudeva Sastry
clerk of Sri C.S. Rao
Advocate
27/12/47

Two

Recd - Duplicate
B.S. Chandrasekhar
27.12.47



Order of the Mysore Commissioner
in Mysore

Reference:-

Petition (Appeal 1018 dated 13th April 1923) of Nanjundappa, Kasim Sahi and other ryots of Jannganahalli and Kaveripura villages of Bangalore Taluk, stating that they are permanent tenants of the lands in their possession in the above villages and endowed to the temple of Sri Banasankari at Sarabandesalliya, a hamlet of Sarakki by the owner Shri Somanna Setty, merchant, Bangalore City, that the question of permanent tenure has not been enquired into in full by the Taluq authorities, that the Mysore Commissioner's order No. C 582/22-23 dated the 22nd February 1923 directing the sale of the lease of the lands for 5 years works great hardship against them and deprives them of their lands long in their possession their sole means of subsistence and prays that the sale already held may be can-

and the lands allowed to remain in their possession.

— " —

Order No. R.A.1 dated Bangalore 12th July 1923.

The case was heard on 3rd July 1923 the appellants were represented by their Counsel Mr. C. Bagappa and the respondent by Mr. T. Appu R. the arguments on both sides were heard. There is no provision either in the Revenue Code or the Inam Registration that would authorise Government to oust the tenants. The respondent should either have to file a civil suit and oust the appellants or should apply to the Deputy Commissioner for relief as a superior holder. The enquiry held by the Taluq Shirestadar is not sufficient for taking action under the Revenue Code.

Till sanction is taken, the kandayam paid by the petitioners should be credited to the temple funds.

(Signed) K. Chandu

To.
The Deputy Commissioner
Bangalore District.

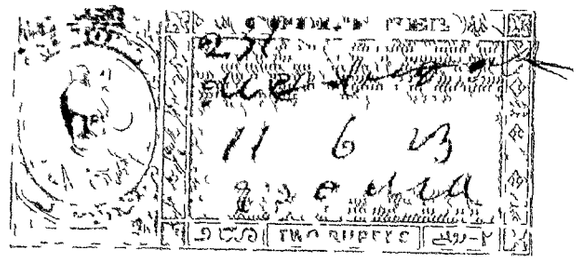
Mofussil Commissioner

returning the records received with his letter No. HC. 688 of 21-22 dated 7th May 23.

"Copy"

[illegible]
for Mofussil Commissioner.

Date of application 10/7/23
Date when copy was ready. 12/7/23
Date of delivery to party. 13/7/23
No. of words. 252
Amount. 0-6-0 3 0-7-0
Comparing fees. 0-1-0
Copied by. B. Shamachar
Compared by. N.V.(illegible)



ಕೋರ್ಟಿಗೆ.

1922—23ನೇ ಸಂಬರು

ವಾದಿಯಾ ಲಿಖಿತದಾರರ ಪ್ರತಿವಾದಿಯಾ ಲಿಖಿತದಾರರು

Vs.

ವ.। ರಾ।।

ಬರಸಿಕೊಟ್ಟ ಜಂಟಲ್‌ಮನ್‌ನಾವಾ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಬ್ಜೆರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರಗಿಸುವ ಸಕ್ಕೂ, ನನ್ನ ಪರ ಆಗಿ ಇನ್ನೂ ನಿವಾದ ಅರ್ಜಿದಾರನ್ನೂ ದಿಕ್ಕಿಯನ್ನೂ ಜಾರಿಕ್ಕಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ದಿಕ್ಕಿ ಪೊಬಲಗು, ಶಿಲ್ಕು ಪೊಬಲಗು ಕೀವಂಡು ಸ್ವಾಂಪು ಪೊಬಲಗು ದಸ್ತ್ರೈಜು ಪಗೈರೆಗಳನ್ನು ಪಾಪನು ಪರಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮ್ಮೋದ್ಯೋಗಸ್ಥರ ಮುಖ್ಯವಾ ಲಾಯಂಗಲಿ ಡಿಫೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಮುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದೇನೆ.

ರುಜು B. Lamani

ಈ ಮೊಖ್ತಾರುನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರು ರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಖ್ತಾರುನಾಮೆ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನ.

ತಾರೀಖು

ವೆಂಕಟೇಶ ಪ್ರಸ್ ಬೆಂಗಳೂರು ಸಿಟಿ.

Section

File No

Serial No

Your order no. 1 of
12-7-23 about the
lease of the lands
enclosed for the benefit
of the inst:

I have etc. 2/8

DD) In Rec. Secretary.

31/7/23

List of enclosures.

Copied by

Examined by

VD 0563—GPB—2,500—27 7-22

C 162 of 23-24

Enc 2 files as one pcl.

Rec'd Secretariat
4 SEP 1923
Bangalore

From

Office of [illegible] Commissioner in Mysore,
Dated, Cantonment, the 29th August 1923
Sept.

R. Chardy, Esq., I.C.S.,
Kumrah Commissioner in Mysore
Bangalore

Circ 29-23-2.

To

T.S. Jagadisa Aiyar, Esq., B.A., L.T.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Revenue Department,
Bangalore.

Sir,

With reference to your letter No.187/Muz.29-36-3 dated 6th August 1923, forwarding for favour of report with records petition from Somanna Bhatt, Dharmadarsi of Panasandri temple at Sarchangepalya, Bangalore Taluk, I have the honor to forward herewith the corrected records received with the Deputy Commissioner's letter No.H.C.684 dated 16/20th August 1923 together with this office file D.Dis.1 of 23-24 dated 12th July 1923 about the lease of some of the lands endowed for the benefit of the aforesaid institution. The facts of the case are fully set forth in this office note.

The appeal petition received with your letter is herewith returned.

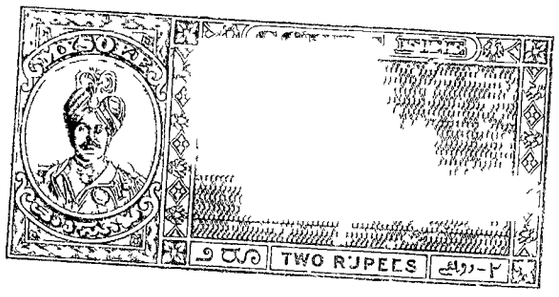
I have the honor to be,

Sir,

Your most obedient servant,

Kumrah Commissioner.

D.P.



BEFORE THE GOVERNMENT OF H.H.THE MAHARAJA OF

MYSORE AT B A N G A L O R E.

Muz. 29-21-4.

B.Somanna Setty, Land Holder and Bench Magistrate of the City of Bangalore, Bangalore City. Son of the late Mr. - B.Basappa Setty, Land Holder.

Applicant.

The applicant abovenamed respectfully begs to state as follows:-

1. That on his application dated the 10th March 1922, endowing the temple of Banashankari built at a cost of Rs.20,000/- by his late father, with the lands in the village of Hanumanthapura, since termed Banasankaripura, as per schedule annexed thereto, the benign Government were pleased to accept the endowment of the said lands for the up-keep of the Sri Banasankari Temple, in their - Order No.6514-6/662-21-4 dated Bangalore, 19th May 1922.

2. That from the observations made in the course of the arguments advanced on the 3rd instant, before your Honor, in Muzrai Appeal No.2 of 1923-24, it is found necessary that the Government be requested to expressly state in writing - that the charge of the said temple and the lands endowed has been taken over by the Government, -

consistently

consistently with the steps taken by the Government in the disposal of the lands endowed by - the public auction at the usual five yearly lease.

3. That the omission seems to be barely an accident, quite unintentional on the part - of all concerned, and wherefore it is respectfully prayed that in the interests of the public and charitable institutions like the present, - the said omission may kindly be made good.

BANGALORE
5-11-1923.

B. Lomamma Letty
Applicant.

by 2nd M^r
The case was heard on the
8th Nov^r 23 and orders reserved
The Cm^r file is before the
member.
This may perhaps be
Subd. to 2nd member
8/12/23
12/12/23
2nd member

G. R. S. 6/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

W.P. 2890—G.P.S.—1,00,000—2.37—20

Before the Government of His Highness the
Maharaja of Mysore.

Inam Appeal No 2 of 1923-4

Appellant — Vs — Respondents

Inama Setti, manager Bana Sankari temple Sarabande palya in Bangalore Taluk. — Subject.

Hanumandappa, Ranjandappa and others.

Appeal against A order no 1 dt 12th July 1923 of the Inam Court in Mysore directing, in the matter of the Inam lands enclosed for the benefit of Bana Sankari temple at Sarabande palya, Bangalore Taluk that the appt should either have to file a Civil suit and

GPE—1,000—8-31

The tenants of the lands
can should apply to the
Dy. Cmr. for relief as
a superior holder.

The case was heard
on 3rd November 1923, the contending
parties being present in
person and also represented
by their Advocates S/ Order.

The temple of Sri
Banashankari is a private
temple built by the applts'
fathers. At the request
of the petitioners, a monthly
grant of Rs 8/- was
sanctioned for the temple
by Govt for a period
of 10 years in Govt order B
No. 2590-93/Miz. 419-18-2
Dy 24th February 1919.
Subsequently the applicant

G R S G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form*)

having made an endowmen
of Rs 5000/ for the benefi
of the temple, this was
accepted by Govt in their
order no 604-607- Inam. 7.
57-19-2 dy 19th Aug. 1919.
Again the petr came up
to Govt offering to endow
the temple with some lands
in the villages of Jarag-
halli, Karibandra and
Sanakki, and requesting
that the temple with
its endowments may be
taken over under Govt
management. The Govt
thereupon in their order
dy no. 6514-6-Inam. 662-21-4
dy 19th May 1922 sanctioned
the acceptance of the
endowment and directed
the lands to be leased
out in consultation with
the apte for a period

WL 22,0—GPB- 1 00,000—23 7 20

5 years. They further ordered that the temple might continue to remain under the management of the appellant himself as Sole Dharmadarsi during his life-time, the question of taking it over under Govt. management being deferred for the present time being.

In accordance with the above order of Govt., the lease of the lands was disposed of by the Rev. Officers by auction. The respdts claiming to be the permanent lessees of some of these lands objected to their being leased out to others. Their objection was however over ruled by the Mysore Courts who ordered the registry of tenancy of the lands to be sold by the Amildar

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

provided the appellant has prepared to undertake the conduct and charges of any litigation that might ~~arose~~ arise therefrom. The Amildar having sold the tenancy right as ordered by the Muz. Comr., the respts appealed to the Muz. Comr for the cancellation of the sale and protested against their being dispossessed of the land. The Muz. Comr ~~thereupon~~ thereupon, after hearing both parties, passed orders to the effect that there was no provision in the Law Code or Muz. Regn that could ~~be~~ authorize Govt to oust the tenant and that the apltg should either file a Civil Suit to oust the respondents or

WL 2280—GPB—1,00,000—33-7-20

apply to the Dy Comr for
relief as a Superior holden
the present appeal is
against this order.

In the first place,
as the temple is not in
receipt of any permanent
grant by Govt - either
in cash or in lands,
it is not a Muz. instn.
It is not therefore understood
how the local Revenue
and Muz. officers can
interfere in the disposal of
the lands endowed to it,
unless the instn is taken
over under Govt management -
which has not been done
~~in this case~~.

Secondly, the respondents
having objected to the lease
of the lands, and refused
to relinquish them on the
grounds that they are

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

permanent lessees, the Inez. Comr has right in deciding that they cannot be summarily evicted from the lands by the Revenue Officers and that resort should be had to the civil Court to evict them either by the applt as the owner of the lands or by the persons who have now taken the lease of the lands at the Sale held by the Amildar. Govt therefore see no grounds to interfere with the Inez. Comr's order and dismiss the appeal.

W The applt has presented No. D 555 a petition asking for the temple with its endowments being taken under Govt management.

WE 2230—GPB—1,00,000—33-7-30

under Sec. 3 of the Muz.
Regn with a view to its
being treated as a Muz
instn so as to legitimatize
the interference of the local
Rev. and Muz. Officers
in the affairs of the instn
and the disposal of the
temple lands etc. in future.
Separate address will be
issued by Govt in due
course on this application.

Memo. no. 1022/Muz.29-23-5.
2-1-24

Copy of the above
is forwarded to the Muz.
Comr in Mysore with
the request to enquire
& report with his letter
No. C. 167 dy 1st Sept 1923.

By order,

2-1-24

Asst Rev. Secretary.

22/1/24

1013

To

K.P. Srinivasa Iyengar, Esq., B.A.,

2nd Member of Council to His Highness the Maharaja of Mysore,

Bangalore.

Respected Sir,

In obedience to the directions personally issued to this applicant on the 23rd February 1924, Somanna Setti hereby respectfully submits that he reserves no interest of a residuary or beneficial nature for either himself or his family members, in the endowment of Sircari lands, and cash deposit of Rs.5,000/- made for and on behalf of the Sri Banasankari Temple;

2. As will be apparent from the recitals of the Registered sale deeds of 1878 and 1886, the Sarkari lands conveyed thereunder, were not under the occupation of any tenants and the houses that had been built at the time have been specifically mentioned as subject matter of the sale, in both the registered sale-deeds and the present contention that the opponents as permanent tenants owned houses prior to the date of the sale-deeds is highly improbable.

3. The applicant undertakes, to either defend or prosecute, cases as regards specific plots comprised under the survey Nos. which after any enquiry can be considered a fit subject matter for litigation so long as he remains the sole Karta of the Temple.

He begs to remain,
Respected Sir,
Your most obedient servant,

B. Somanna Setti

Bangalore,
1.3.24

Fair Draft

Proceedings of the Government of His [illegible]

the [illegible] of [illegible].

Government Proceedings No. 2500-503/ uz.410-11-2 dated the 24th January 1910 sanctioning a monthly grant of Rs.8/- from the Devadayam Government Temple at Tiruvallam, for a period of ten years, for the upkeep of Sri [illegible] Sastri Temple at Karalambedu in the Bangalore Taluk constructed by Mr. S. Lakshma Chetty of Bangalore.

2. Government Proceedings No. 604-607 / uz.47-10-2 dated the 16th August 1910 accepting a deposit of Rs.5000/- offered by Mr. [illegible] Chetty, son of Mr. B. Lakshmanachetty, under the Ryotwari enjoyment rules for the benefit of the said institution.

3. Government Proceedings No. 6514-6/Huz.662-21-4 dated the 15th May 1922 accepting the endowment of certain lands in Kanchanahalli and two other villages offered by Mr. M. Somanna Chetty for the benefit of the institution and directing the continuance of the management of the temple by Mr. Somanna Chetty as Trustee thereof during his life-time, the question of taking the temple under Government management being deferred.

4. Government Proceedings No. 1022/Huz.20-23-5 dated the 24th January 1924 rejecting the appeal of Mr. Somanna Chetty against the order of the Huzur Commissioner that the lessees could not be summarily evicted from certain lands belonging to the temple and that resort should be had to the Civil Court to evict them either by the appellant or by the persons claiming for the lease of the lands in the hands held by the Trustee, and reserving the question of taking the temple under Government management for accurate consideration and orders.

5. Petitions registered [illegible] No. 355 [illegible] 1923 dated 5th [illegible]

Nov[illegible]ber 1923 and 1st [illegible]arch 1924 respectively fro[illegible]r. [illegible]omanna Chetty praying that the temple [illegible]its endo[illegible]ents may be taken under [illegible]over[illegible]nt [illegible]anage[illegible]ent under [illegible]ection 3 of the [illegible]uzrai Regulation with a view to its being treated as [illegible]uzrai Institution [illegible]c.

1328-8/Sue Misc Files
Mang.29-23-7

Order No.

Dated, Bangalore, the 21st [illegible]arch 1924.

[illegible] petitioners read above, [illegible]r. Somanna Chetty states that [illegible] reserves no interest of a residuary or beneficial nature either [illegible]or himself or other [illegible]ember of his family in the lands or money endowed to the temple and undertakes either to defend [illegible] to close up the [illegible]ccess to the specific plots comprised under [illegible]ejective [illegible]umbers in [illegible]uction [illegible] which are considered as fit subject [illegible]ther [illegible]building [illegible]sites, [illegible] he remains the sole Dharmadarsi of the temple.

2. [illegible] these circu[illegible]stances, Government are pleased to accept [illegible]ction under [illegible]ection [illegible] of the [illegible]uzrai Regulation to the [illegible]emption of Government of the [illegible]anagement of [illegible]anasankari temple at [illegible]rimbalesly in the [illegible]ersalore [illegible]aluk with all its endowments.

3. The [illegible]anagement of the temple with its endowments will be vested, on behalf of Government, in [illegible]r. Somanna Chetty, as Dharmadarsi of the temple during his life-time.

(Sd) K.V. Anantaraman

Secretary to Government,
Revenue Department.

To

The [illegible]uzrai Commissioner in [illegible]ysore (with records)
The Comptroller to the Government of [illegible]ysore.

Fair ~~copy~~ Draft

Fair Draft.

Proceedings of the Government of H. H. the Maharaja of Mysore.

Read:-

C.P. No. 2590-93/Muz.41°-18-2 dated 24-2-19 sanctioning a monthly grant of Rs. 8/- from the funds of the Sri Kesaviswesvaraswami temple at Cosayighat, Seringapatam for a period of 10 years for the upkeep of Sri Banasankari ~~temple~~ temple at Sarabandapalya in the Bangalore Taluk constructed by Mr. B. Basappa Chetty of Bangalore.

2. C.P. No. 604-607/Muz.F.57-1°-2 dated 19-8-19 accepting a deposit of Rs 5000/- offered by Mr. B. Somanna Chetty, son of Mr. B. Basappa Chetty, under the charitable endowment Rules for the benefit of the said institution.

3. C.P. No. 6514-6/Muz.662-21-4 dated 19-5-1922 accepting the endowment of certain lands in Jaraganahalli and two other villages offered by Mr. Somanna Chetty for the benefit of the institution and directing the continuance of the management of the temple by Mr. Somanna Chetty as sole Dharmadarsi during his life-time, the question of taking the temple under Govt. management being deferred.

4. C.P. No.1022/Muz.29-23-5 dated 24-1-24 rejecting the appeal of Mr. Somanna Chetty against the order of the Muzrai Commissioner that the lessees could not be

summarily evicted from certain lands belonging to the temple and that resort should be had to the Civil Court to evict them either by the appellant or by the persons who have bid for the lease of the lands in the sale held by the Amildar, and reserving the question of taking the temple under Govt. management for separate consideration and orders

5. Petitions registered Nos. 1073, 555 & 1073 5/11/23 and dated 1-3-24 and ~~5-11-23~~ respectively from Mr. Somanna Chetty praying that the temple with its endowments may be taken under Govt. management under Sec. 3 of the Muzrai Regulation with a view to its being treated as a Muzrai Institution &c.

Order No. 1327-8 dated 26.3.24
Mar 29-23-7

In his petitions read above, Somanna Chetty states that he reserves no interest of a residuary or beneficial nature either for himself or other members of his family in the lands or money endowed to the temple and undertakes ~~to~~ either to defend or to prosecute cases as regards specific plots comprised under the S.Nos. in question which are ~~can be~~ considered as a fit subject matter for litigation so long as he remains the sole Dharmadarsi of the temple.

2. In these circumstances, Government are pleased to accord, under Sec. 3 of the Muzrai Regulation sanction to the assumption by Covernment of the management of Banasankari temple at Sarabandapalya in the Bangalore Taluk with all its endowments. The petitioner may be informed in the proper form of the above.

The

3 The Muzrai Commissioner is requested to take necessary further action for the proper management of the temple and its endowments.

Revenue Secretary.

To

The Muzrai Commissioner (with records)

The Comptroller, Mysore Government.

3550

C 162 y 23 4

From

[illegible], Esquire,

Mang 29 22-4

Dno 2122

To

[illegible],

Secretary to [illegible]

[illegible]

Sir,

I advert to Government Proceedings No. [illegible] dated 26th March 1924 sanctioning the assignment to Government of the management of the Sri Tanasarkari temple at Sulcarapalya in the Bangalore Taluk with all its endowments and appointment on behalf of Government of Somanna Setty as Dharmadarsi of the aforesaid temple during his life time, I have the honour to submit herein petition registered C.No.162 of 23-24 dated 23rd April 1924 received from Mr. B. Somanna Setty request in that his appointment as Dharmadarsi to the temple may be notified in the Mysore Gazette and to recommend that the said appointment may be kindly caused to be notified.

I have the honor to be,

Sir,

Your most obedient servant,

[signature]

Inam Commissioner.

BR

Muz 4]

SUBJECT .....

Diary No. of letter replied to 2422

Muzrai Secretariat

( )

, *the* *192*

Section

File No

Serial No

No. C.5/Jun

Date of issue 17.5.24 To

Signed by [illegible]

The Muzrai Comr

Sir,

Adverting to your letter no C. 162 dy 26.4.24 recommending that the appointment of Mr. B. Somanna Chetty as Dharmadarsi of Sri Banashankari temple at Sarabanapalya, Bangalore Tq may be caused be notified

over.

Mysore Gazette, I am
directed to state that
the appointment of
Mr. Somanna Shetty
as Dharmadarsi of
the temple has been
already sanctioned by
Govt. and that Govt's there
is no necessity.
do not consider it
necessary to notify
it in the Gazette.
I have etc,

13.1.24.

Rev. Secretary

. *List of enclosures.*

Copied by

Examined by

WD 0563—GPB—2 500—27-7-22